

## LAND USE ELEMENT

## [Hercules] LAND USE ELEMENT

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Approved by City Council - February 13, 1996



## LAND USE ELEMENT

The Land Use Element has the broadest scope of the seven mandatory elements. It plays the central role of correlating all land use issues into a set of coherent and consistent development guidelines. Its goals, objectives, policies and programs relate directly to all other Elements. For these reasons, it is the most visible and often used Element of the General Plan. Although all General Plan Elements carry equal weight, the Land Use Element is often perceived as being the most representative of the "General Plan."

The Land Use Element designates the proposed general distribution, location, and extent of land uses for housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private land uses. The emphasis is on the desired or intended future development of the City.

The City of Hercules has updated its Land Use and Circulation Elements, and has established an overall strategy for its future development and ultimate "build-out". Hercules is a community of families. An important part of our community of families is to provide affordable and/or lower cost housing in order that future generations and seniors can remain in the community. Hercules envisions itself as a balanced community with a sound complement of residential and commercial uses and services. It is anticipated that through the implementation of the Land Use Element, an additional 2,570 units of housing will be added to the housing stock, bringing the total number of units to 8,910 and a total population of 26,300.

Hercules, California, continues to be the fastest growing city along the San Pablo Bay coastline. Although incorporated in 1900, Hercules was a company town known for its production of dynamite and gunpowder. Hercules experienced tremendous growth in residential population in the 1980's. Hercules remains one of the fastest growing cities in California. Recognizing its rich history, the City of Hercules has sought to preserve its industrially-based past while changing into a residential community of diverse character. The City resolves to maintain its quality of life while creating a unique blend of old and new with the City's most precious commodity, its people.

The people of Hercules determine the course of our community and demand fiscal responsibility for the City's future. All of us, from those who were born here to the newest arrival, know that the primary attributes of this residential city are preservation of open space, less crowding, more trees, less concrete, streets that carry cars safely and quickly; and a community that cares about the well-being of people's lives. Protecting our city's environment places a limit on the ultimate size and growth of Hercules. Building on vacant parcels within the city, development of a city center, and preserving a family-oriented lifestyle, must be planned in order to avoid losing the quality of life we now enjoy. We strive for a community where those who live in Hercules are able to work in Hercules.





We seek to involve the residents of the City in the planning and design of planned unit developments and specific parcels with unique characteristics.

Our commitment to preserving Hercules' past, embodied in its historic structures, is vital to our economic future. The economy of the City depends on a successful and healthy business climate with city government working to sustain that climate.

We recognize that the City has a commitment to various volunteer organizations and cultural activities that provide the services that a well-rounded citizenry require. We recognize that preservation and enhancement of our natural environment is vital to our well being and that of our children. We support and encourage a strong educational system and will continue to equitably share the fiscal responsibility with the County and State for infrastructure planning.

The balance among open space, environmental resources, business considerations, and residential needs, as well as the continued provision of high-quality recreational, educational, historical, cultural, civic and religious services will be the key to a well-planned, vital and unified community.

## **I. INTRODUCTION AND PURPOSE**

### **A. BACKGROUND**

The development and use of land in a community can dramatically affect the quality of life in that community for residents and employees. The availability, type and cost of housing helps determine the number of people who live in the community, their relative age, and the relative proportion of school-age children. Access to commercial, retail and employment areas can dictate whether residents spend substantial time commuting to work in other areas or driving to/from shopping areas in other communities. The arrangement of commercial and residential uses can affect whether residents or workers can walk, use bicycles, and public transportation to commute or for shopping trips, or whether they must use private vehicles. Access to parks and recreation facilities can expand the opportunities for use of leisure time. The presence and protection of undeveloped open space can enhance a community's identity and can avoid subjecting residents and businesses to landslides and other hazards. In these ways, and many others, the development and use of private and public property set the "Stage" upon which residents, local workers and visitors live their lives.

### **B. PURPOSE**

The Land Use Element provides long-term direction and guidance to development within the City, including policies, programs and actions for managing the development of private and public property in Hercules. This Element sets forth the goals of the General Plan in regards

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to development. It is the intent that these goals will result in a "full service" community that maintains a desired quality of life, while providing for a wide range of residential, commercial shopping, employment and recreational opportunities.

The Land Use Diagram illustrates the general proposed distribution of the land use categories described in this Land Use Element. The Diagram is intended to serve as a general guide to future land uses. Zoning classifications, consistent with the land use categories, will be established for this purpose in the Zoning Ordinance and Zoning Map. The proposed transportation system and policies regarding transportation are addressed in the Circulation Element.

### **C. AUTHORITY**

California law requires cities and counties to adopt Land Use Elements of their General Plans (ref. California Government Code Section 65300 et seq.). Section 65302(a) states that each General Plan must include):

"A Land Use Element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The Land Use Element shall include disposal facilities, and other categories of public and private uses of land. The Land Use Element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the General Plan. The Land Use Element shall identify areas covered by the General Plan which are subject to flooding and shall be reviewed annually with respect to those areas."

The Land Use Element is divided into four main sections. They are as follows:

- Existing Land Use, Projections and Background
- Land Use Issues and Concerns
- Land Use Goals, Objectives and Policies
- Land Use Plan

While the general character of the City has been established by past land use decisions, there are many such decisions to be made in the future which must recognize and protect the existing character of the community, as well as provide a balance of new land uses to assure maintenance of the quality of life aspects sought by Hercules and to maintain economic viability.





## EXISTING LAND USE AND PROJECTIONS

### A. BACKGROUND

Hercules began as a company town, and was incorporated in 1900 to allow the powder company to control the land around the plant facilities. In 1964, production of fertilizer replaced the production of dynamite and black powder. In 1974, the fertilizer operation ceased, and Hercules, Inc. began selling the plant property to developers.

In 1974, Hercules had approximately 150 residents. By 1993, the number of residents had grown to 18,618. This explosive growth created a modern suburban community that included four convenience shopping centers and two employment centers. However, development of the commercial and employment areas did not keep pace with the residential growth, and did not fulfill the vision of a balanced community. In order to rectify this situation, the City Council gave priority to commercial and employment development that could help maintain the quality of life in Hercules. In 1993, a citizens task force ("Community Panel") evaluated and recommended a new land use concept that responds to this emphasis. This concept is incorporated into this revised Land Use Element.

### B. 1993 LAND USE

By 1993, most of the residential portion of Hercules had been developed, while much of the commercial and employment areas remained vacant. The following is a summary of the existing and projected development, as well as key issues and agencies that impact the community.

#### 1. Residential

According to State Department of Finance projections, on January 1, 1995, Hercules had a population of 18,900 in 6,345 condominiums, apartments and houses. While the proportion of condominiums in Hercules has increased since 1980 as a number of new condominium developments were built, most residents live in single family homes. In addition, most City residents own their residence.

#### 2. Employment, Retail and Services

Businesses in Hercules provide relatively few jobs or shopping and service opportunities. Most residents must commute to work and drive to shopping areas. According to the Association of Bay Area Governments, in 1990 Hercules had about 2,430 jobs; major employers included Bio-Rad Laboratories, Richmond Unified School District, and Mechanics Bank. The amount of employment grew only slowly during the 1980's and did not keep pace with the residential growth. At the same time, Hercules

# THE HISTORY OF THE UNITED STATES

## CHAPTER I

The first settlement in the United States was made by the English in 1607, at Jamestown, Virginia. The colony was founded by a group of men sent by the Virginia Company of London. They were the first Englishmen to live permanently in North America.

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had 9,431 employed residents<sup>1</sup>. Even if Hercules residents held all these jobs, about 7,000 residents would have to commute outside the City to work. In actuality, probably almost all employed residents out-commute to work.

Retail businesses in Hercules provide a limited range of shopping and service opportunities, which include food, drugs, video rentals, and other "convenience" goods. However, most of the residents must leave Hercules to shop for goods and services beyond these basis essentials.

### 3. Public and Semi Public

Schools: Hercules is served by two school districts: West Contra Costa Unified School District (WCCUSD) and John Swett Unified School District (JSUSD). The Foxboro area (east of I-80 and north of SR 4) is in the JSUSD, and WCCUSD serves the rest of the City. At present WCCUSD operates three elementary schools. Hannah Elementary School officially opened in January 1995. Historically, some WCCUSD students have attended elementary school in Pinole; with the opening of the new elementary school, all WCCUSD elementary students will be able to attend school in Hercules. All JSUSD Hercules elementary students attend Hillcrest Elementary School in Rodeo.

At present, WCCUSD Hercules students attend middle and high school in Pinole. WCCUSD has begun construction of a combined middle/high school in Hercules. It is intended that all WCCUSD Hercules students will attend the combined school. JSUSD Hercules students attend middle and high school in Crockett.

City: The City Administrative Offices are located in the Civic Center, on the west side of Sycamore Avenue, east of the Creekside Shopping Center. The Civic Center site also includes the Senior Center and a temporary office building that is leased to the Chamber of Commerce.

The City owns and operates a 375,000 gallon per day wastewater treatment plant that is located west of the intersection of San Pablo and Sycamore Avenues. Additional City treatment capacity of 2.0 million gallons per day is provided at the Pinole-Hercules Treatment Plant, which is located at the west end of Tennant Avenue in Pinole.

Utilities: Pacific Gas and Electric (PGE) maintains an electricity substation along Bayberry Avenue (east of the I-80 off-ramp) and owns a 44-acre site between I-80 and San Pablo Avenue, north of John Muir Parkway, that contains four oil storage tanks and a pump station. The Circulation Element describes the underground pipelines that traverse the City. All utility services to residences and businesses are provided in underground mains, cables and lines.

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<sup>1</sup>Employed residents: persons living in Hercules who work outside the home.





State Agencies: CalTrans operates a maintenance yard on Bayberry Avenue (east of the I-80 off-ramps and the PGE substation). The Bay Area Rapid Transit District owns a seven-acre site bounded by I-80, Sycamore Avenue, San Pablo Avenue and John Muir Parkway that is developed with a transit transfer center. The relationship between this transit center and the local and regional circulation network is discussed in the Circulation Element.

#### 4. Agricultural and Natural Resource Lands

The incorporated area of Hercules includes no land used for agricultural purposes or containing significant natural resources. The upland portion of the Franklin Canyon Golf Course property was used seasonally for grazing cattle in the past, but this use was discontinued before the property was annexed. Indian midden sites have been identified in some of the developed areas of the City. These sites generally have been left undisturbed, with the site and the surrounding area designated as open space. In cases where preservation-in-place has not been possible, the archaeological resources in these sites have been recovered before the area has been developed.

Some of the properties in the Sphere of Influence are used seasonally for grazing cattle. One property is under an agricultural preservation contract (Williamson Act). Although the owner has filed a notice of non-renewal for the contract, pursuant to State law, this contract will expire in 2001.

#### 5. Areas Subject to Flooding

Refugio Creek traverses the City from southeast to northwest and drains much of the community; the southwest corner of the City drains to Pinole Creek, and, the Franklin Canyon Golf Course property and the Sphere of Influence properties are drained by Rodeo Creek. As each neighborhood and subdivision was developed, flood control improvements were constructed to eliminate flood hazards. As a result, areas subject to flooding by a 100-year storm are limited to creek channels and adjoining open space corridors, with one exception. The portion of the Refugio Creek basin that is west of San Pablo Avenue has not been developed, and a substantial portion of that area is subject to flooding. The Safety Element describes and maps these areas and provides policies so that the areas shall not be developed until flood control improvements are made to eliminate flood hazards.

At the Franklin Canyon Golf Course property, limited portions of the golf course immediately adjacent to Rodeo Creek are subject to flooding, as are similar areas downstream in the Sphere of Influence. In the community of Rodeo (which is not in Hercules' Sphere of Influence), Rodeo Creek flows in a concrete lined flood-control channel.





- State law requires the City to allow development of new residential units and areas as part of meeting the regional need for additional affordable housing;
- The City's location in the Bay Area provides both a high quality living environment and close access to regional shopping and cultural attractions, and accordingly the City needs to help solve regional problems and issues;
- If not controlled, vehicular traffic and other off-site effects from employment and commercial areas could impact existing residential neighborhoods;
- The land use plan and the circulation system need to be closely coordinated. In particular, traffic from new development should not overwhelm the carrying-capacity of the circulation system.

As noted, important issues have been recognized in the community. First, the land use goal is to accomplish a "balanced mixture" of activities and uses. Diversity means that the City can accommodate change over time. Since Hercules is primarily residential now, achieving balance means that an emphasis will be placed upon attracting commercial, office and industrial uses.

## LAND USE GOALS, OBJECTIVES, AND POLICIES

### GOALS

The goals of the Land Use Element are:

Preserve and enhance the community's quality of life with well-balanced growth and development.

Enhance and create a community with a wide range of choices, services, and amenities.

The Land Use Element is guided by four major concepts, which were defined by the Community Panel. The concepts are as follows:

- 1) Extending the linear park along Refugio Creek westward from San Pablo Avenue to San Pablo Bay. The creek corridor in the eastern portion of the City provides a major amenity, and extending the corridor to the Bay would provide a similar attraction in the western portion of the City. It would also establish the creek corridor as a major urban design element for the entire community.
- 2) The junction of two major state highways offers major opportunities for retail development. Land near the I-80 and SR-4 interchange and along SR-4 should be designated for general commercial use.



- 3) New business, and the resulting jobs and business opportunities, can most easily be accommodated at the vacant property between the commercial area noted in #2 above, and the existing employment areas.
- 4) A limited amount of new residential development should be allowed on vacant properties that adjoin existing neighborhoods and that are more closely associated with these neighborhoods than the employment or commercial areas. Buffers should be established between the residential and non-residential areas.

## **OBJECTIVES, POLICIES AND PROGRAMS**

### **OBJECTIVE 1**

Achieve a level of population and employment which preserves and enhances the desired character of the community.

#### **Policy 1A**

Encourage and only allow development that is consistent with the Land Use Diagram, Land Use Categories; and objectives, policies and programs of the Land Use Element.

### **OBJECTIVE 2**

Develop a community that balances housing, jobs, and commercial opportunities.

#### **Policy 2A**

Commercial and industrial development shall be consistent with gross intensity ranges in the Land Use Diagram and Land Use Categories. Higher intensity may be considered if such development is consistent with the City's goals and policies. However, each project with a proposed higher intensity would be subject to site-specific environmental analysis to determine incremental impacts.

#### **Policy 2B**

Develop non-residential Land Use Categories which reduce the need for residents to leave the community by providing a variety of shopping and service opportunities.

#### **Program 2B.1**

Target selected retail, service and employment opportunities that will meet the needs of the residents and develop a marketing program to attract these targeted opportunities.





## Policy 2C

Emphasize employment-generating development, which is lagging behind residential development.

### Program 2C.1

Implement the Economic Development Strategy and conduct a periodic assessment of the effort and results.

### Program 2C.2

Develop the necessary financial and non-financial tools to be used to locate commercial and employment-generating development and to provide incentives where appropriate. When incentives are provided, the City and/or Redevelopment Agency may seek a financial return on such incentives (e.g. loans, equity position, etc.).

### Program 2D

Give favorable consideration to new retail development that would generate substantial new sales, for businesses that would provide substantial employment, high growth technical businesses (particularly bio-tech, flex office and incubator uses), health care services, restaurants and innovative mixed use development proposals.

## OBJECTIVE 3

Achieve a rate of growth that is consistent with the provision of public facilities and services, that balances jobs, commercial, and housing opportunities, and also protects the quality of life in the community.

## Policy 3A

Develop transportation facilities to provide access to the region, particularly public transit systems (buses, ride sharing, rail transit, as well as potential over-water transit).

### Program 3A.1

Provide assistance and support a regional rail transit system and seek funding for a train station in Hercules.

### Program 3A.2

Work with BART to develop both short-term and long-term transit facility uses on the BART site in Hercules including commercial-retail uses or rail line extensions.





### Program 3A.3

Analyze the existing public facilities and services compared to those needed to be developed as provided for in this Element. Develop a plan to meet the public facility and service needs, including a financing plan.

### Policy 3B

The Land Use Element and Circulation Element need to be closely coordinated to insure that traffic from new development will not overwhelm the carrying capacity of the circulation system.

### Program 3B.1

The planning and development of commercial and industrial areas should evaluate and minimize the effects on existing residential areas.

### Policy 3C

Reasonable traffic flow and direct access between neighborhoods should be provided or preserved, where feasible.

### Policy 3D

Create a strong and successful focus or center for business and activities that would provide services, shopping opportunities which would attract employees, clients, and patrons from a regional area, while not disturbing existing residential and community oriented areas.

## OBJECTIVE 4

Develop sufficient employment and commercial tax generating uses to maintain a positive City government fiscal condition.

### Policy 4A

Encourage local and regional commercial uses that can benefit from substantial regional traffic on I-80, SR-4, and San Pablo Avenue.

### Policy 4B

Encourage uses that bring additional revenues (retail sales, property tax) either directly or indirectly to the City.



#### Program 4B.1

Analyze the City's retail sales and property tax generation, as compared to Regional and State averages, and identify and target those sectors where the City is underserved.

#### OBJECTIVE 5

Develop and maintain a pattern of residential land uses which provide for a variety and balance of densities and opportunities for a mix of dwelling and residential type.

#### Policy 5A

Residential development shall be consistent with gross density ranges in the Land Use Categories and with the Land Use Diagram.

While a goal of the City is to limit total residential growth to that which would result from development of all parcels at the mid-range density, architectural diversity and economic variety are also equal goals of the City. The density of residential development allowed on any parcel within the City should take into consideration these City-wide goals as well as site specific considerations including but not limited to, topography, economics, neighborhood compatibility, provision of affordable housing, market conditions; and the capability of a proposed development project to further other specific goals, policies and objectives of the General Plan.

#### Policy 5B

State law requires the City to allow development of new residential areas and units as part of meeting the regional need for housing.

#### Program 5B.1

Review on a periodic basis the affordable housing needs identified in the Housing Element and encourage provision of housing to meet those needs.

#### Program 5B.2

Encourage development of innovative types of housing, including co-housing, congregate care facilities, and other types of housing that may provide low cost alternatives to typical market-rate housing.

#### Policy 5B.3

New residential development will include a minimum 10% of the total number of units for affordable housing. No in-lieu fees will be accepted by the City unless the developer can





establish extraordinary circumstances for not providing affordable housing or unless an agreement pre-dating this general plan amendment provides otherwise. Provision of actual inclusionary housing units will be strongly preferred over the payment of in-lieu fees.

#### Policy 5C

Provide additional affordable and/or senior citizen housing.

#### Policy 5C.1

Develop an affordable housing strategy which includes an inclusionary requirement of providing a minimum of 10% of the residential units for affordable housing, an implementation plan and financial and non-financial incentives for the development of such housing.

#### Policy 5C.2

Develop a "silent second" mortgage program to assist first-time homebuyers, providing affordable homeownership options for existing homes throughout Hercules."

#### OBJECTIVE 6

Provide residential neighborhoods with a variety of cost ranges disbursed throughout the City.

#### Policy 6A

Larger scale residential development should, within its land use designation and density range, and recognizing features such as topography and feasibility, include a mix of dwelling types.

#### Policy 6B

Multi-family residential land should be developed with a balance of open space, landscaping, and recreational amenities and should be accessible to commercial and recreational areas and public transportation.

#### Policy 6C

Wetlands mitigation, flood control improvements and riparian corridors should not be used in the calculation of required park space, parks, or recreational areas. However, the City may accept such areas in the calculation of required park space if they are accessible to the general public for use and enjoyment.



## OBJECTIVE 7

Achieve a pattern of development that is consistent with the City's desired image.

### Policy 7A

Establish a visual identity for the City that distinguishes it from the surrounding areas.

#### Program 7A.1

Provide landscaping along major regional streets and highways. This landscaping should soften the appearance of traffic and parking along these routes, while allowing view corridors to retail and other businesses.

## OBJECTIVE 8

Preserve Hercules history while developing its future.

### Policy 8 A

Preserve and enhance the historic district area.

#### Program 8A.1

Develop plans to preserve and rehabilitate key historic buildings but not the former plant equipment and manufacturing structures related to former industrial sites.

#### Program 8A.2

Prepare a detailed study of the Historic Town Center and adjoining area (including Hercules Point) in order to define the appropriate mix of public and private land uses, design guidelines, preservation of key buildings, vegetation (e.g. trees) and trails.

#### Program 8A.3

Designate the Hercules Properties, Inc. parcels as a "special study area" which requires two separate "planned unit developments" since the HPI parcels contains the following characteristics:

- Historic significance and existing historic buildings.
- Opportunities for mass railroad facilities.
- Drainage and hydrology issues.
- Bay frontage location.
- Diversity of land uses.





- Significant coordination with adjacent properties needed due to diversity of land uses and complex infrastructure requirements.

The Hercules Properties, Inc. parcels may be developed differently from the conceptual land uses depicted in the Land Use Diagram.

#### Program 8A.4

All residential property within the "southern slope" PUD will be either Single-Family Medium Density (7-12 units per acre) or Multi-Family Low Density (7-12 units per acre); a combination of product types is acceptable within the stated density range.

#### Program 8A.5

Parcel C, the Citation property, will be designated as a Residential Planned Unit Development due to its physical characteristics and proximity to existing neighborhoods and the "southern slope" PUD of the HPI site.

#### OBJECTIVE 9

The City shall consider economic feasibility as a factor in the development review process within the framework of the General Plan.

#### OBJECTIVE 10

Provide recreational and cultural amenities within the community that meet the needs of the residents and workers.

#### Policy 10A

Promote development of a regional commercial recreation center or complex along, or adjacent to, the major transportation routes (I-80, SR4, and San Pablo Avenue).

#### Policy 10B

Create places for residents and workers in the community to meet and socialize.

#### OBJECTIVE 11

Participate and cooperate in regional and sub-regional planning activities.

#### Policy 11A

Cooperate with appropriate jurisdictions and/or agencies in preparation of State Mandated Regional Plans (e.g., Congestion Management and Source Reduction and Recycling Element).



### Policy 11B

Participate in regional and sub-regional planning and traffic issues to better address the potential regional impacts upon the community.

### OBJECTIVE 12

Encourage mixed use development that provides for an integrated mixture of residential and employment generating uses within the same structure.

### OBJECTIVE 13

Minimize the impacts from incompatible land uses on existing and planned development areas.

### Policy 13A

Create a transition between residential neighborhoods and commercial/industrial areas, except where such mixed uses are desirable (e.g. live/work space and other designated areas). The transition should separate land uses that might be incompatible if located in close proximity. Land uses must minimize adverse impacts, and those that would not negatively impact adjoining properties should be encouraged.

### Program 13B

Design of flood control improvements along Refugio Creek should be done in a manner to function as a transition area between land uses.

### Program 13C

Strongly encourage cooperation and joint planning by and among owners of large parcels during the land use planning and entitlement process; this effort would include such items as master hydrology and circulation plans, joint studies and cooperative infrastructure development. In particular, it is anticipated that development of Parcel C and the "southern slope" portion of the HPI site will be the subject of a joint planned unit development process.

### OBJECTIVE 14

Protect and enhance significant and desirable environmental attributes and features.

### Policy 14A

Develop trail systems, open space, and other amenities that benefit the quality of life in the community.





#### Program 14A.1

Establish a strong and continuous system of trail links between the hills in the southeastern end of Refugio Valley and San Pablo Bay.

#### Program 14A.2

Establish a trail linkage between Pinole and Rodeo as part of the regional bay access trail; this trail may encroach upon private property or bluffs within the Hercules industrial area.

#### Program 14A.3

Continue to improve and protect Refugio Creek as a major environmental amenity.

#### Program 14A.4

Require a minimum 50-foot setback between development and the "top of bank" of creek corridors. This buffer will be included as part of any enhancements required by regulatory agencies or proposed by the developer. Riparian areas which are culverted or underground will be excluded from the buffer requirement.

#### Policy 14B

Preserve the existing natural topography, ridgelines and valleys where feasible and desirable.

#### OBJECTIVE 15

Provide for public, semi-public and non-profit uses and activities throughout the community.

#### Policy 15A

Public, semi-public and non-profit uses may be allowed in commercial and industrial land use categories, if the type of use and level of activity is compatible with uses and activities allowed in that land use category. As an example, corporation yards and utility substations may be allowed where industrial uses are allowed.

#### Program 15A.1

Develop language in the Zoning Ordinance to permit public, semi-public and non-profit uses in commercial and industrial land use categories, consistent with the purposes of the land use category.



## OBJECTIVE 16

Work closely with developers and the West Contra Costa Unified School District to mitigate potential adverse impacts of future development on school facilities.

### Policy 16A

Refer applicants of new developments to the West Contra Costa Unified School District in order to pay the District's required developer impact fees prior to the building permit issuance for individual projects, as needed and justified, to maintain school performance standards.

#### Program 16A.1

In consultation with the West Contra Costa Unified School District, the City will seriously evaluate all available options for enhancing school financing, such as negotiating development agreements and redevelopment agreements providing for payment of additional school impact fees, participation in a Mello-Roos district by a property proposed for development and working with the School District and property owners to arrange donation or reservation of land for an elementary school site.

#### Program 16A.2

Work with the School District to negotiate an agreement whereby the School District commits to expending fees received from development within Hercules for facilities within City boundaries to the maximum extent legally feasible.

#### Program 16A.3

The City will not issue future legislative development approvals unless adequate school facilities are available or adverse impacts upon school facilities have been mitigated to the maximum extent legally feasible.

#### Program 16A.4

The West Contra Costa Unified School District will be promptly notified of all applications of specific development projects with the potential for a significant impact on schools.

#### Program 16A.5

Coordinate with the School district to develop appropriate project-specific mitigation measures. The City will give careful consideration to the School District's analysis of proposed mitigation. For specific development proposals that require legislative action (e.g., General Plan Amendment, adoption of Specific Plan, amendment to Zoning Ordinance) and that have substantial effect on school facilities through a projected increase in enrollment,





the City shall enter into consultation with the School District and the project proponent(s) to determine whether there can be determined a mutually agreeable contribution to the school district by the proponent(s) (including, but not limited to cash payment, land dedication, and/or provision of school facilities) to offset the impacts of increased enrollment.

#### Program 16A.6

When formulating project-specific mitigations, the City will consider the effect of such mitigations on the economic viability of affordable housing projects.

#### Policy 17

A future elementary school site will be combined with a park to maximize joint use possibilities for each facility.

#### Program 17A.1

Coordinate with the West Contra Costa Unified School District to develop an elementary school site adjacent to a park sites.

#### Program 17A.2

Create an "Overlay District" consisting of undeveloped parcels west of San Pablo Avenue for the purpose of developing a centrally located elementary school/neighborhood park site. Parcel B, the McLeod property, is excluded from consideration because it is not centrally located.

### LAND USE PLAN

The Land Use Diagram illustrates the location of the different land uses in Hercules. The Land Use Diagram is based upon the goals of the General Plan, the City's Economic Development Strategy, and the community's vision for a balanced community.

The Land Use Diagram identifies specific Land Use Categories. The definition of these categories and the allowed intensity and/or density of such land uses must be defined. The intensity, bulk, and scale of commercial development will be measured in terms of the allowable Floor Area Ratio (FAR). FAR is the ratio of allowable building floor area to size of the lot. Specifically, the gross floor area of a building divided by the lot area produces the FAR. Thus, a FAR of 0.3 for a 100,000 square foot lot could allow a building whose total floor area is 30,000 square feet.

It is important to note that when used alone, FAR gives a developer great flexibility in deciding whether to build a low building that covers more lot area or a taller building that covers a smaller portion of the lot. FAR is used in combination with other intensity



regulations, height limits, setbacks, open space, parking and building requirements, which are part of the Zoning Ordinance, and guide the final intensity of development.

Residential development is typically measured by density. The density is the number of residential units per acre. A ten acre site, which allows 8 units per acre, could result in 80 residential units (not taking into consideration other issues/constraints). The design of such development, such as whether the 80 units are clustered or spread out, is governed by height restriction, use (single family versus multi-family) and building regulations. (The updated residential land use categories assume a population density derived by multiplying 2.89 persons per household times the units per acre). Residential development shall be consistent with gross density ranges in the Land Use Categories and Land Use Diagram; While a goal of the City is to target overall residential growth to that which would result from development of all parcels at the mid-range density, architectural density, economic variety, preserving the community's quality of life and economic viability are also equal goals of the City. The density of residential development allowed on any parcel within the City should take into consideration these City-wide goals as well as site specific considerations including but not limited to, topography, economics, neighborhood compatibility, provision of affordable housing, market conditions, and the capability of a proposed development project to further specific goals, policies or objectives of the General Plan.

The land use categories and designations are detailed below. These designations have been set forth based upon a Master Environmental Assessment, existing development within the community, and the general development constraints within Hercules. The existence of one or more site specific development constraints could limit the use of a property or limit the development to less than the intensity or density standards set forth herein. Such constraints could include, but are not limited to the following: geotechnical conditions, topography, grading impacts, environmental issues, archeological sites, faults, drainage and other factors.

Where development constraints are found to exist during the detailed site planning process or other detailed levels of the development approval process, the General Plan assumes that the density, intensity and extent of development may be reduced, based upon the goals, objectives, policies and programs of this Element. All intensity, density and population measures are calculated on gross acreage, prior to public streets, public easements, and other public dedications from the site acreage.

The following are the Land Use Categories, including the density or intensity of development, (and population generated by residential uses) for land uses shown on the Land Use Diagram.

#### Commercial and Industrial Land Use Designation

All of the Land Use Categories below use FAR (Floor Area Ratio) ranges, as well as a typical FAR.



Historic Town Center: (HTC) - The former administrative center, and some residences of the Hercules Powder Company, may be an important historical asset of Hercules. The Historic Town Center designation is to allow the reuse of existing structures, where appropriate, and the addition of new buildings, while maintaining the architectural character of the area and incorporating into the design the visual and physical access to the adjoining Bay Shoreline. View corridors and vista points will be established to protect and promote the views to the Bay. Uses within this land use designation shall include professional, administrative, and personal service offices (e.g., real estate, travel agent, etc.), as well as retail businesses. Retail and other commercial uses shall include business support service, restaurants and coffee shops, specialty shops and other businesses that support the professional and administrative offices, as well as uses that provide goods and services to visitors of the adjoining waterfront area. The predominance of these uses shall be located in close proximity to Railroad Avenue which is intended to be the "Main Street" of this area.

Areas separated from Railroad Avenue by existing or planned buildings shall be developed with either uses described above or with multi-family dwellings. This residential development will be allowed so long as the existing or planned non-residential uses would be compatible with the residential living environment.

The design and character of uses and buildings in this land use category is critical. The Historic Clubhouse is to be retained as a public community center. Existing buildings should be retained, where feasible, and may be expanded as long as the existing character is maintained.

The FAR for the non-residential category shall range from 0.15 to 0.40, with a typical FAR of 0.20 for the land use designation area. The density for residential shall be 17 units per acre, with no more than 40 units to be developed in total (about 50 persons per acre; up to approximately 115 persons).

A planned unit development process will be used to refine the intensity of commercial development and density of residential development, as well as location of such development. Development guidelines will be prepared.

Waterfront Commercial: (WC) - This land use category encompasses a portion of the Hercules Point that may allow private development. Hercules Point is approximately 15 acres. State and Federal agencies will likely require much of this area to be set aside for public access or to preserve wetlands adjacent to San Pablo Bay. However, a portion of this area may be developed. The commercial uses allowed shall provide goods and services for visitors to the public access areas. Typical uses would include restaurants, bait-and-tackle shops, and other visitor-oriented uses. Other uses may include:

- Recreational boat yard, maintenance and launching facilities
- Water oriented recreational instruction facilities
- Administrative offices, and other appurtenant uses
- Food, beverage, sundries, and recreational equipment sales





- Public transportation facility (ferry and charter boat service)
- Fishing Pier

The open character and the views of the Bay are a very important asset of this portion of the community, and the design of any structures must preserve and enhance the enjoyment of the meeting of land and water. The amount of development shall be limited. Substantial public access to the shoreline shall be provided. The FAR for this category shall range from 0.15 to 0.30, with a typical FAR of 0.20.

General Commercial: (GC) - This land use category is a non-specialized commercial designation that is intended to permit a wide variety of commercial uses. Businesses locating within this district will attract clientele from both Hercules and the adjacent communities, as well as those using I-80 and Highway 4. Uses allowed within this designation include retail, wholesale (open to the public), offices (business, professional and service), and other business serving the clientele described above. Uses in this designation may also include automobile service stations, restaurants, and automobile repair services, provided that the location and design of these uses effectively mitigate any potential off-site impacts.

The character of buildings within this land use category will typically be suburban in nature, one to two stories in height. More intense development may be allowed, provided that it conforms to the overall character of the development and does not adversely impact the surrounding development. The FAR for this category shall range from 0.20 to 1.00. A typical FAR for this category is 0.30.

Community Commercial: (CC) - This land use category is intended to accommodate commercial development, including retail, office, and service uses that would serve residents and employees within the City. Generally, the location of these properties and the resulting lack of direct access and visibility from regional routes effectively excludes businesses that require patronage from a regional market area. The FAR in this category shall range from 0.20 to 1.00, with a typical FAR of 0.25.

Recreational Commercial: (RC) - This land use category is intended to allow properties to be developed and used for recreational activities that are conducted as a business. Examples of such uses include a golf course, driving range, batting cages, athletic clubs and amusement centers. Development of these properties may also include sporting retail uses, such as sporting good stores, restaurants, cafes, bars, that contribute to creating a full-service commercial recreational facility. Parcel sizes shall vary from less than one acre (batting cages) to more than 100 acres (golf course). Building intensity shall also vary widely, according to the need for interior space as part of the activity. The FAR in this category shall range from 0.20 to 0.40, with a typical FAR of 0.30.

Commercial/Public: (CP) - This land use category allows transit related uses. Over time, property within this land use designation has the potential to combine transit uses with commercial development, consistent with the "General Commercial" designation, described



above. The FAR for this land use category shall not exceed the FAR allowed in "General Commercial."

Planned Office/R&D: (PO/RD) - This land use category is intended to provide areas of adequate size and access to support development of a wide variety of employment-oriented business and enterprise complexes. Development of properties in these areas shall be governed by Planned Unit Developments Plans. Subdivisions or other entitlements shall not be approved unless and until a PUD Plan for the property has been approved. The Planned Unit Development Plans shall include provisions for sewer capacity and other infrastructure, access to public streets, adequate parking, architectural guidelines or controls, and landscaping. The predominate uses in these areas shall include research and development uses, administrative offices, and manufacturing. Offices and retail service establishments serving nearby businesses and their employees shall also be allowed in this designation. Warehouse, distribution, or wholesale uses may be appropriate in these areas, if they serve or are essential to businesses in Hercules. The FAR for this category shall range from 0.25 to 1.00, with a typical FAR of 0.30.

Planned Commercial - Industrial: (PC-I) - Properties with this land use category are intended to accommodate commercial or industrial uses. They are located along I-80 and SR-4 and are visible from these routes, but have limited access. The visibility from the freeways is critical and must be preserved for these properties to be developed as commercial uses. Allowable commercial uses shall include retail, administrative office, service office, and similar uses. Allowable industrial uses shall include research and development, manufacturing, and business industrial services. Warehouse, distribution, or wholesale uses may be allowed in this area, if they directly serve or are essential to businesses in Hercules. Development of properties with this designation shall be governed by planned unit development plans, and subdivisions or other entitlements shall not be approved unless and until a planned unit development plan for the property has been approved. The planned unit development plan shall include provisions for sewer capacity and other infrastructure, access to public streets, adequate parking, architectural guidelines or controls, and landscaping. The FAR for this category shall range from 0.25 to 0.50, with a typical FAR of 0.30.

Planned Commercial-Residential: (PC-R) - This land use category is designed to provide the potential to accommodate either residential or commercial or both residential and commercial uses in a well-planned, mixed-use development. Commercial structures and uses shall be developed according to a planned unit development plan and shall be arranged as a unified development, which may resemble a shopping center, a shopping mall, or a traditional downtown shopping street ("Main Street"). Appropriate commercial uses shall include retail businesses, professional service offices, and other customer-oriented businesses.

The residential density in this category may range from 15 to 30 units per acre (approximately 45 to 85 persons per acre); structures within this land use designation shall have a maximum height of three stories. The FAR for non-residential use within this category shall range from 0.20 to 0.40 with a typical FAR of 0.30.





Development of these properties shall be carefully planned to insure that the benefits of mixed use development are fully realized, and the potential negative impacts of one use or another are minimized. Subdivision or partial development of any properties with this category shall not be approved until a planned unit development plan for full development of the property has been reviewed and approved.

Industrial-Residential: (I-R) - This category is intended to be developed with both work-space and residential space in the same structure. The work-space will provide lower-cost, leasable space for start-up companies, craft workshops, or other businesses that require less support services or amenities than R&D or office uses. The FAR for the work-space portion of structures shall not exceed 0.50. The residential space will provide living area for persons employed in the work-space, and will generally be located above the work-space (e.g. lofts). The residential density shall not exceed 25 units/acre (approximately 75 persons per acre). Structures in these areas shall not exceed 40 feet in height. Parking requirements for proposed projects shall take into account the different peak-parking demand periods of residential and employment activity.

Industrial: (I) - This category is intended to accommodate heavy industrial uses, refineries, and storage facilities. The FAR range shall be from 0.3 to 0.5, with a typical FAR of 0.40.

#### Residential Land Use Designations:

These categories reserve property for single family (estate), single family and multi-family residential uses and structures. They may also be developed with uses and structures that support residential uses (e.g. churches, schools, day care homes and centers) and secondary units (pursuant to State law), provided that such will not cause a substantial adverse impact on nearby residences. Potential adverse impacts could include, but need not be limited to, traffic congestion, increased noise, (ambient or episodic) or expected full use of available on-street parking. Residential development on individual properties may be clustered on portions of the property so as to create a mixture of densities or housing types on the property. These "sub-area" densities may exceed the maximum density or may be less than the minimum density stated in these definitions, provided that the overall density is within the limits stated in these designations.

Single Family - Estate: (SFE) - This land use category is intended to provide sites for "estate" homes on larger lots, and shall be developed with custom-built and individually-designed homes. Secondary units, and uses that support residential uses may be allowed in this area, provided that the adjoining neighborhood shall not be substantially impacted by traffic, noise, or other off-site effects. Conforming zoning districts: RE-1 and RE-1/2.

- Allowable Density: 1-2 units/acre (resulting in an approximate population of 3 to 6 persons per acre)
- Maximum Building Height: 35 feet
- Minimum Parcel Size: 0.5 acre



Single Family - Low Density: (SFL) - This land use category is intended to provide areas for suburban single-family subdivisions. These lots will generally be developed as part of multi-lot "production" subdivisions, where a limited number of models (with two or three different exterior designs) are built on individual lots in a random pattern. Secondary units and uses that support residential uses may be allowed in this area, provided that the adjoining neighborhood shall not be substantially impacted by traffic, noise, or other off-site effects. Conforming zoning district: R-1.

- Allowable Density: 2-7 units/acre (resulting in an approximate population of 6 to 20 persons per acre)
- Maximum Building Height: 35 feet
- Minimum Parcel Size: 6,000 sq. ft., unless a smaller lot size is allowed by an approved planned unit development.

Single-Family - Medium Density: (SFM) - This land use category is intended to provide areas of single family homes on lots that are smaller than a "typical" suburban lot. They may be developed with either single family residences or duets. The size of the lots for each single family residence may range between 4,000 sq. ft. and 7,000 sq. ft. Uses that support residential uses may be allowed in this area, provided that the adjoining neighborhood shall not be substantially impacted by traffic, noise, or other off-site effects. Conforming zoning districts: R-1 and R-2.

- Allowable Density: 7-12 units/acre (resulting in an approximate population of 20 to 35 persons per acre)
- Maximum Building Height: 35 feet
- Minimum Parcel Size: 4,000 sq. ft.
- Mid-Range Density: 9 units/acre

Multi-Family - Low Density: (ML) - This land use category is intended to provide sites for low-density multi-family housing. They may be developed with townhouses, condominiums or apartments. The size of each development shall be sufficient to allow for good design and incorporation of amenities. Uses that support residential uses may be allowed in this area, provided that the adjoining neighborhood shall not be substantially impacted by traffic, noise, or other off-site effects. Conforming zoning districts: R-2.

- Allowable Density: 7-12 units/acre (resulting in an approximate population of 20 to 35 persons per acre)
- Mid-Range Density: 9 units/acre
- Maximum Building Height: 45 feet
- Minimum Parcel Size: 3 acres

Multi-Family - Medium Density: (MM) - This land use category is intended to provide areas for multi-family residences (primarily condominiums, apartments, and townhouses). The size of each development shall be sufficient to allow for good design and incorporation of amenities. Uses that support residential uses may be allowed in this area, provided that the





adjoining neighborhood shall not be substantially impacted by traffic, noise or other off-site effects. The higher density in these areas is expected to enable the development of additional affordable housing. Conforming zoning districts: R-3 and R-4.

- Allowable Density: 12-30 units/acre (resulting in an approximate population of 35 to 85 persons per acre)
- Mid-Range Density: 20 units/acre
- Maximum Building Height: 60 feet
- Minimum Parcel Size: 5 acres

Multi-Family - High Density: (MH) - This land use category is intended to provide higher density housing, typically near public transit centers, shopping centers, or other "high activity" areas. The size of each development shall be sufficient to allow for good design and incorporation of amenities. Uses that support residential uses may be allowed in this area, provided that the adjoining neighborhood shall not be substantially impacted by traffic, noise, or other off-site effects. Conforming zoning districts: R-4 and (new) R-5.

- Allowable Density: 30-55 units/acre (resulting in an approximate population of 85 to 160 persons per acre)
- Maximum Building Height: 90 feet
- Minimum Parcel Size: 15 acres
- Mid-Range Density: 42 units/acre





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